REMARKS

This is a divisional application of pending application 09/487,928 filed on January 20, 2000. By this preliminary amendment, applicant has amended claims 1, 7, 8, 9, 14, 19, 26, 50, 68, 77, 84, 85-87, 90, 91, 92, 96, 102, 113, 114, 128, 135, and 136 and cancelled claims 2-6, 11, 12, 16-18, 20-24, 27-49, 51-61, 63, 64, 66, 67, 69-75, 78-83, 88-89, 93-95, 98-101, 103-112, 115-127, and 129-133, without prejudice or disclaimer of their subject matter. Applicants respectfully submit that pending claims 1, 7-10, 13-15, 19, 25, 26, 50, 62, 65, 68, 76, 77, 84-87, 90-92, 96, 97, 102, 113, 114, 128, and 134-136 are in condition for allowance.

In the parent application, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as anticipated by Katayama (U.S. Patent 5,696,750). Applicants respectfully submit that amended claim 1 is not anticipated by or rendered obvious in view of Katayama.

Amended claim 1 recites, among other things, "in case that the first light flux passes through the first diffractive portion to generate at least one diffracted ray, an amount of first n-th ordered diffracted ray of the first light flux is greater than that of any other ordered diffracted ray of the first light flux, and in case that the second light flux passes through the first diffractive portion to generate at least one diffracted ray, an amount of second n-th ordered diffracted ray of second light flux, where n stands for one integer other than zero". Thus, according to claim 1, when each of the first light flux and the second light flux pass through the first diffractive portion, the order of the diffracted ray having the greatest amount among the diffracted rays becomes the same.

Amended claim 1 also recites "the converging optical system converges the first n-th ordered diffracted ray of the first light flux which passes through the first diffractive portion ... on the first information recording plane of the first optical information

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
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recording medium through the first transparent substrate so as to reproduce or record information from or onto the first optical information recording medium" and recites "the converging optical system converges the second n-th ordered diffracted ray of the second light flux which passes through the first diffractive portion on the second information recording plane of the second optical information recording medium through the second transparent substrate so as to reproduce or record information from or onto the second optical information recording medium".

Thus, the same-ordered diffractive rays, other than 0-th order rays, are used for reproducing or recording information from or onto the different recording mediums.

Katayama discloses six embodiments in its description of preferred embodiments.

Katayama describes a first embodiment in col. 5, lines 42 to col. 7, line 56. In that embodiment, a zeroth order light beam (transmission light beam) of a 635 nm light beam is used for disk A, while a -1^{st} order diffracted light of a 785 nm light beam is used for disk B.

Katayama describes a second embodiment in col. 7, line 57 to col. 9, line 49. In that embodiment, a $+1^{st}$ order diffracted light of a 635 nm light beam is used for disk A, while a zeroth order light beam of a 785 nm light beam is used for disk B.

Katayama describes a third embodiment in col. 14, line 23 to col. 15, line 7. In that embodiment, a zeroth order light beam of a 635 nm light beam is used for disk A, while a -1^{st} order diffracted light of a 785 nm light beam is used for disk B.

Katayama describes a fourth embodiment in col. 15, lines 8 to 58. In that embodiment, a transmission light beam (zeroth order light beam) of a 635 nm light

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
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beam is used for disk A, while a -1st order diffracted light beam of a 785 nm light beam is used for disk B.

Katayama discloses a fifth embodiment in col. 15, line 62 to col. 16, line 32. In that embodiment, a transmission light beam (zeroth order light beam) is used for both disk A and disk B.

Katayama discloses a sixth embodiment in col. 18, line 45 to col. 19, line 51. In that embodiment, a high density thin disk A, a high density thick disk A', and a low density thick disk B are used. A +1st light beam of the 635 nm light beam is used for disk A; a transmission light beam (zeroth order light beam) of a 635 nm light beam is used for disk A'; and a zeroth order light beam of 785 nm light beam is used for disk B.

The orders of light beams used in Katayama are summarized in Table A below.

Embodiment No.	Diffraction order for Disk A (635 nm)	Diffraction order for Disk A' (635 nm)	Diffraction order for Disk B (785 nm)
1	0	- - -	-1
2	+1	- - -	0
3	0	- - -	-1
4	0	- - -	-1
5	0	- - -	0
6	+1	0	0

As shown in Table A, in Katayama, different ordered light beams are used for the different disks or only the zeroth order light beam is used. Thus, Katayama does not describe or suggest the subject matter of claim 1.

The allowance of the pending claims is respectfully requested.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____
Michael R. Kelly
Reg. No. 33,921

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com